

ORGANIZATION OF RETAIL MERCHANTS

After Hearing Addresses by Richmond and Norfolk Men, Petersburg Dealers Take Action.

SHOTS WIFE WITH PISTOL

Mrs. J. A. Burnett Painfully Wounded by Accidental Discharge of Revolver

[Special to The Times-Dispatch.]

PETERSBURG, VA., May 28.—A large number of representative retail merchants of Petersburg got together tonight at the hall of the Chamber of Commerce and organized a Retail Merchants' Association, electing the following officers: President, Edward Eigenbrunn; Vice-President, E. C. Kent; Secretary, J. E. Whitmore. On motion of T. E. Knoch and T. Stanley Beckwith, the meeting decided to authorize the president and vice-president to appoint a committee of ten, who shall elect a secretary, subject to the approval of the association. The committee will constitute the board of directors.

Before the meeting proceeded to organize, short speeches explaining the objects and work of each organization and the great results achieved, especially in Richmond and Norfolk, were made by Mr. Eigenbrunn, of Norfolk, president of the State Retail Merchants' Association; T. A. Miller, president and vice-president of the Richmond Association; Samuel Cohen and E. C. Kent, of Petersburg, all of whom assured the Petersburg fraternity that the influence and value of such an organization in Petersburg would surpass their greatest expectations.

The speakers were enthusiastically in their advocacy of the move and were heartily applauded. The meeting unanimously decided to organize. Edward Eigenbrunn presided as chairman, with Edwin L. Quarles as secretary.

Among those present from other cities were W. A. Clark, Jr., secretary of the Richmond Association; Fred Jurgens and Raphael Levy, of Richmond.

City Mortuary Report.

Report of the city health officer, Dr. R. A. Martin, for the month ending May 26th, shows a total of forty-five deaths in Petersburg, of which only twelve were among the whites, the remaining thirty-three being colored. The rate of mortality of the whole population was twenty per thousand per annum; of the whites, 12; of the colored, 20.46. Of a total of thirty-six births, fifteen were among the whites and twenty-one among the colored.

A memorial tablet, bearing the names of the soldiers of General William Mahone's brigade who fell at the battle of the Crater, has just been placed in position in the old Blandford Church, which is now a Confederate memorial chapel. The tablet is erected by the Crater Legion, and will be unveiled on July 20th, the anniversary of the battle.

The North Carolina memorial window, to be placed in the chapel by the Old North State, in honor of its Confederate dead, has also arrived, and will soon be put in position along with the Virginia, Louisiana, and Missouri windows. The beauty of the memorial is greatly enhanced by these memorials, and its dedication as an altar to the Confederate dead has proved a most appropriate and beautiful disposal of the famous building.

Peace Charge of Stabbing.

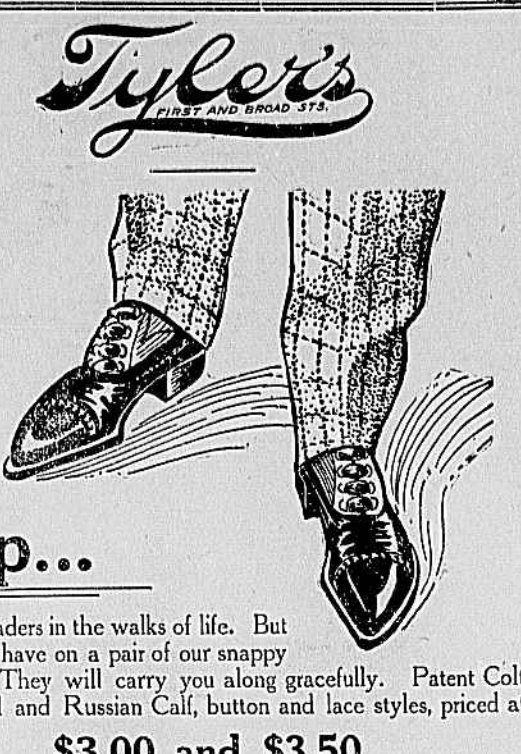
In the Mayor's Court this morning Levy Evans, a young white man, employed at the fireworks factory in Blindeford, was charged with stabbing F. F. Warner with intent to kill. The men had a fight at the factory yesterday afternoon, and both were badly hurt. Warner being stabbed in the leg and Evans receiving a beating with a piece of iron pipe. The latter appeared in court with his head swathed in bandages, but Warner was unable to be present, and the case was continued until to-morrow.

Rev. J. F. Riddle, rector of St. John's Episcopal Church, of Grace Church, and Rev. Robert W. Barnwell, of St. Paul's, are attending the annual council of the Episcopal Diocese of Southern Virginia, now in session at Staunton. The lay delegates are E. Bolling Wilcox, Jr., of St. Paul's Church; William J. Zimmer, Sr., of Grace, and O. Oscar Egerton, of St. John's.

Accidentally Shoots Wife.

Mrs. J. A. Burnett was accidentally shot and painfully wounded by her husband at his residence, on Appomattox Street, in Patterson, yesterday afternoon. It is understood that while handling a pistol Mr. Burnett accidentally pulled the trigger, the ball striking his wife near the hip.

James C. R. Schwenck, whose passage of mental and physical examination



Step...

with the leaders in the walks of life. But in doing so have on a pair of our snappy Oxfords. They will carry you along gracefully. Patent Colt Gun Metal and Russian Calf, button and lace styles, priced at

\$3.00 and \$3.50

BITTER FIGHT ON CHANGE OF VENUE

(Continued from First Page.)

sworn and sent to the grand jury room. The grand jury was out exactly fifty minutes. Within three minutes the foreman, E. J. Carter, had announced that a true bill of murder in the first degree had been found against Judge W. G. Loving, and the special grand jury was discharged. Mr. Strode, the only one of the prisoner's counsel in court, asked permission to notify his client to appear, and soon returned, accompanied by counsel and friends, escorting the prisoner, who was followed by several friends, including Judge Thompson Brown and Randolph Harrison, of the Lynchburg bar.

Fight for Change of Venue.

Judge Loving did not appear excited. He appeared to have lost flesh, and seemed to be in poor health. He appeared good. "Not guilty" was spoken in a firm voice. Mr. Strode submitted a motion for a change of venue. The Commonwealth's attorney suggested that the question of venue be decided by a jury of twelve men, but Judge Parks said he would hear argument on the motion for a change of venue.

Mr. Lee proceeded to read an affidavit from Judge Loving submitting reasons why a fair trial could not be obtained in Nelson county. The affidavit is as follows:

"I reside in Nelson county, at Oakridge farm, about four miles from Lovington, which is the county seat. For some years my home was in the village of Lovington, and I am thoroughly familiar with it, and with its inhabitants, and with the conditions existing there and in Nelson county. For a long time I practiced law in said county, and for six years was judge of said county.

"Mr. M. K. Estes is now, and has been for many years, the sheriff of the county. His son, Theodore I. Estes, for whose killing I stand indicted, was one of his deputies, and as such attended to a large part of the business of the office, and resided with his father in the village of Lovington, where both of them were engaged in merchandising. The son was well known throughout the county. The father is one of the most popular and influential citizens of the county. I am informed that he is just determined and active in his efforts to secure my conviction, and that, among other things he has employed able and experienced private counsel to assist the attorney of the Commonwealth in conducting the prosecution. His relatives and a number of his

close friends are co-operating with him, and it is impossible to believe that their attitude would fail to impress to my disadvantage any jury that might try the case in Lovington.

His Mistreatment.

"Mr. E. L. Kidd has for many years, and still is the clerk of the court, and is perhaps the most popular citizen of the county. He is the uncle of Theodore I. Estes, whose mother was the sister of said E. L. Kidd. It was from the house of said E. L. Kidd that the deceased took my daughter driving on the Sunday evening preceding the day of the shooting, and it was to this house that he returned my daughter after his mistreatment of her that night in a helpless condition. Mr. Kidd and his family, some of whom are expected to be witnesses against me, also reside in the village of Lovington, his residence fronting the court green. Mr. Kidd has no deputy and he himself conducts the business of his office.

"I am reliably informed that he has been extreme in his denunciation of me. I am also reliably informed that Mr. Stewart B. Whitehead, the Commonwealth's attorney for the county, who is an intimate friend of the Estes family, and who lives within one mile of the village of Lovington, is so bitter in his feelings towards me that he has abdicated his quasi-judicial functions to the extent of making inflammatory boasts on the case in public, and of assisting in the preparation of adverse newspaper articles, in which he gave not only his erroneous version of the facts, but his mistaken conclusions therefrom, which were published throughout the county, and which have given the public an absolutely false impression of the case. "Hon. B. T. Gordon, the judge of the Circuit Court of Nelson county, who also resides in the village of Lovington, owing to past unpleasant relations with me, found himself so situated that he regarded it improper for him to preside at my trial.

"This delicate action on the part of Judge Gordon is indicative of the propriety of moving the case from the county where other officials above mentioned are naturally hostile to me, and anxious for my conviction.

J. O. Loving Against Him.

"In the village of Lovington there are about one-fourth of the population connected by marriage with the deceased.

"There are in Lovington only two very small hotels, at which a jury of witnesses could be lodged. One of these is kept and run by J. O. Loving, whose daughter but recently married a brother of the deceased. The said J. O. Loving and his family, I am reliably informed, are bitter and outspoken in their feelings, and have been active in molding an adverse public opinion and shaping the case against me.

"The other hotel is kept and run by W. N. Dawson, whose sister is the wife of the deceased. E. L. Kidd, from whose daughter was driven by the deceased, and to which she was returned as already stated.

"The said Dawson and members of his household are likewise bitter in their denunciations of me, and have spared no pains to arouse public opinion against me. "I have reason to believe that they may be called as witnesses against me, and that they will be so called. "From my personal knowledge of the situation, as above described, I am fully satisfied that under the circumstances, and with the environment, a fair and impartial trial cannot and will not be accorded me in the county of Nelson. Although a jury for remote sections of the State is not hesitantly saying that they would be influenced and largely controlled by the extraordinary and unprecedented conditions existing there.

"I am not guilty of the charge whereof I stand indicted. Upon a full and fair investigation it will be found that I am entitled to an acquittal. The motion for a change of venue is not made for the purpose of delay, or to secure any unwarranted advantage whatsoever, but simply and solely for the purpose of securing an orderly and unprejudiced trial of the case, than which nothing can be of more vital and supreme importance to me."

Many Other Affidavits.

A great many more affidavits from citizens of the county were read by Mr. Lee, all reciting that the sentiment against the prisoner in the county was so strong that he could not obtain a fair trial in Nelson. It was about nine o'clock when, owing to the fact that the return of an indictment canceled the defendant's bail bond, the subject of granting bail had to be disposed of before adjournment.

The court said he would hear argument on this point, and Mr. Harmon was proceeding to argue it, when Mr. Lee said the defense would admit there was no bail bond in existence and would apply for bail.

Mr. Harmon said he thought the question of bail would involve discussion of all facts of the case, but Judge Parks said he did not think so. Mr. Whitehead proceeded to read authorities showing that the general practice is to refuse bail in a capital case.

Mr. Moore said the Virginia statute did not restrain the discretion of the court in this matter, and in Virginia it was quite a usual practice to grant bail. Defendant was ready to multi-

ply the bond many times in order to allow him to remain at large. The former bond was \$5,000.

Mr. Harmon, in opposing the motion to grant bail, said there was no desire to persecute the defendant, the prosecution simply wanted the law to punish a man before he is tried, said the judge. He thought the matter one in which the court had absolute discretion. He would grant bail in \$10,000.

Afternoon Session.

Mr. Harmon proceeded at once to read an affidavit from Commonwealth's Attorney Whitehead to exonerate him from the charge that he had been unduly active in prosecuting the case. The affidavit set forth that Mr. Whitehead was present at the hearing before the bail commissioner; that he had written out his recollection of the statement made by Judge Loving on that occasion at the request of John Swanson, and that the affidavit was signed by his typewriter, a statement, incorporating in it the evidence given before the commissioner. This statement appeared in the press and was given out by the Eaton family.

Mr. Whitehead said he copied the statement as a matter of accommodation. Mr. E. L. Kidd, clerk of the court, deposed that there were several persons employed in his office, one of whom had qualified as deputy clerk. He had not observed evidences of bad temper in Lovington. Cross-examination by Mr. Lee, he said he had not heard more than four persons of Lovington had not heard of any of them. Many of them had not expressed an opinion as to the case. He admitted he condemned Judge Loving.

Judge Gordon testified that as soon as he heard of the tragedy, he determined he would not sit in the case, owing to former unpleasant relations with Judge Loving, the recollection of which had faded from his mind.

Not De Violence.

As chief peace officer of the county, he felt it his duty to ascertain the sentiment of the county. He had not discovered any evidences of intent or inclination to do violence to Judge Loving. He thought the defendant could secure a fair trial in Lovington. Judge Gordon admitted, on cross-examination, that the statement signed by W. J. Shipman had changed public sentiment to a feeling against the defendant.

John M. Dawson, proprietor of the Virginia Hotel, said that under a rule recognized by the two Lovington hotels, it was his time to lodge the jury, and that a building near the courthouse had been secured for the accommodation of the jury. He had no objection to the case being tried in Lovington. He admitted, on cross-examination, that his object in securing a separate house for the jury was to help secure the trial for Lovington. He said he wanted the money for entertaining the jury.

M. K. Estes, sheriff and father of the deceased, said he had not observed any indication of feeling against Judge Loving likely to cause violence. The defense would not examine Mr. Estes. J. O. Loving, proprietor of the Central Hotel, said a statement in the affidavit of one of the Bollings that he (Loving) had said the Estes family was waiting to see what the law would do before taking vengeance, was false. Sheriff Estes recalled to the stand, said there would be no witnesses summoned for the Commonwealth. He thought the jury would have to have a view of the road over which Estes and Miss Loving drove.

Pierce Loving, a justice of the peace and cousin of the defendant, said he had not discovered any evidence of a feeling in Nelson likely to work the prisoner harm. The Loving connection, and the wife is loved. Cross-examination, witness said he felt justly unkind towards Judge Loving.

Many witnesses from the county around Lovington testified that they believed a fair trial could be obtained in Nelson.

Governor's Brother Testifies.

Among the witnesses was John T. Swanson, brother of Governor Swanson and brother-in-law of Theodore Estes. Mr. Swanson said he had asked Mr. Whitehead to write out for him the statement made by Judge Loving, and the hearing before the bail commissioner, to be used in a statement to be given to the press. He said the entire statement was typewritten by Mr. Whitehead at his request, and that he himself, and Mr. Shipman, were responsible for the statement. He said the Commonwealth would summon from fifty to seventy-five witnesses, many of them poor people.

He thought that the jury should have a view of the road. Cross-examination, he said he had had Mr. Shipman sign the statement, because, as young Estes was not buried, he did not think it proper that his brother-in-law should be appearing in print.

Mr. Harmon made a great length in opposing the motion to change the venue, and was followed by Mr. Whitehead. Mr. Moore represented the defense in arguing for the motion.

When 3 o'clock came, Judge Parks announced he would decide the motion at 9:30 to-morrow morning.

DIES FIFTY FEET IN AIR.

Carpenter Expires While at Work on Dome of Chatham Institute.

[Special to The Times-Dispatch.] CHATHAM, VA., May 28.—John A. Shelton, a carpenter, forty-five years old, died suddenly to-day while at work on the dome of the Chatham Episcopal Institute. He fell from the scaffolding, and his body falling fifty feet, he was killed.

His wife and several children survive.

An Everyday Occurrence

Bill Had the Malaria and His Friend Had the Remedy

It was a beautiful spring day. Bill and Frank met. This conversation followed:

Bill: Hello, Bill! How're you feeling this fine day?

Frank: I tell you, Frank, I have not been feeling very good for two or three days. I feel very hot and feverish, and ache all over. All worn out, and blue and tired; have a dizziness of a headache, and feel like a fellow who has been drinking.

"I felt the same way, and the doctor told me I had malaria, and directed me to get a bottle of Elber's Malaria Cure. Three doses stopped my chills, and when I had used up the bottle I was in normal condition, and have never been troubled with malaria since. I have used it in my family, and it has cured all of them. What you need now, at home we find it a pretty good spring tonic, and that reminds me, I will feel all right to-morrow. Bill, for it only takes a few doses of Elber's to straighten you out."

DID NOT SEE FAMILY FOR THIRTY YEARS

Death of Guy W. McAllister, a Federal Veteran, Brings to Light Interesting Story.

LIBELS STEAMER HEAVILY

Captain Simmons, of the "Walker," Seeks to Recover \$20,000 from Bay Line.

[Special to The Times-Dispatch.]

NORFOLK, VA., May 28.—The death of Guy W. McAllister, at his home, in this city, recalls an interesting story. He was in the seventeenth year of his age, his surviving family consisting of his wife and three children—Mrs. Lena Stevens, of Norfolk; Mrs. Valerius C. Jones, of Virginia Beach, and E. C. McAllister.

He came to this section during the Civil War, being then a young man. He married in Portsmouth, and lived there for several years. When the war was over, being a volunteer Federal officer, he was mustered out of the navy, and concluded to move back to the North, from which section he had come. His wife remained in the South, and the husband and father was lost sight of for over thirty years.

Some eight or ten years ago he returned to this section and tried to find his family in Portsmouth, but failed to locate them. He left his address with an old acquaintance, with the request that if his family should be located that he be notified. In a few weeks it was learned that they were residing in Norfolk. In compliance with his request, he was notified, and shortly afterward he came back, feeling that he had not done right in abandoning himself.

Libels the Columbia.

A libel for \$20,000 has been filed in the United States District Court against the Bay Line steamer Columbia by Captain John Simmons, master of the three-masted schooner William L. Walker, for injuries done to his vessel in a collision with Old Point Sunday morning, when the Columbia rammed the schooner and sank her.

BRING BEAMER BACK.

Man Charged With Killing Miss Ann Hall Under Arrest in Illinois.

[Special to The Times-Dispatch.]

DANVILLE, VA., May 28.—The Federal authorities of Patrick county will at once arrange to have brought back to this State Grover Beamer, who was yesterday arrested in Hampshire, Ill., charged with complicity in the murder of Miss Ann Hall, of Patrick county. The crime, which it is alleged Beamer committed with William E. Rakes and others, committed in one of the most brutal ever heard of in this section. The motive for the crime, it is said, is a suspicion of certain parties in the mob that young Peter Hall, a nephew of the two women, was a spy in the employ of the United States revenue service to detect violation of the Federal statutes by illicit distillers.

PYTHIANS MEET.

Annual Session of Grand Lodge Being Held in Lynchburg—Cordially Welcomed.

[Special to The Times-Dispatch.] LYNCHBURG, VA., May 28.—The annual session of the Grand Lodge of Knights of Pythias of Virginia convened here tonight in Castle Hall. There are nearly 200 visitors present, and will arrive during the night. At the initial session addresses of welcome were made by Hon. Don P. Hatcher on behalf of the city, and Hon. W. C. Carrington on behalf of the local Pythians. The response was by Vice-Chancellor J. H. Dickerson, of Richmond.

The business sessions will commence to-morrow morning to continue probably until Thursday.

Blow Proves Fatal.

WAKEFIELD, VA., May 28.—Mr. George W. Bailey, whose home is two miles from this place, died this afternoon at 3:30 o'clock. Mr. Bailey was hurt on Saturday by a piece of timber thrown from a saw. Mr. Bailey was a prominent merchant and farmer.

Miller—Pitts.

[Special to The Times-Dispatch.] LEBANON, VA., May 28.—An announcement is made of the marriage of Miss Louise, an accomplished daughter of Mr. and Mrs. J. H. Pitts, of Catwaba. Miss Pitts is well known and greatly admired in Salisbury, where she has visited repeatedly. Miller is one of the most capable officers the county has ever had, he having begun his services as register of deeds last December. The couple will reside in Salisbury.

Rot—Kratichvill.

[Special to The Times-Dispatch.] PETERSBURG, VA., May 28.—Miss Barbara Kratichvill, and Mr. Anton Rot, Jr., were married this morning at St. Joseph's Catholic Church. Mass was celebrated, and the ceremony was performed by Rev. Father O'Farrell. The young couple are from Dinwiddie county.

CONTESTED CASES

COME UP TO-DAY

Spirited Fight Over Granting of Three Liquor Licenses Will Be Waged.

The hearing of the contested applications for three liquor licenses on Holly and adjoining streets, against which several protests have been made, will be heard at the Hustings Court to-day at 11 A. M. before Judge Samuel H. Witt. Positions have been taken by three churches, which have been filed praying that the applications be not granted. The applicants have prepared and will present counter-petition asking that the licenses issue, and testimony will be had as to the fitness of the men, the character of their places in the past, and the suitability of these locations for the sale of liquor. A large attendance will be gained by the widespread interest in the cases.

Nine licenses are being held up for various reasons, and the probability is that most of these will be ultimately refused. The three licenses against which protest will be made are those of Messrs. Hogan, Sullivan and Jones. The congregation of the Pine Street Baptist Church, St. Andrew's Episcopal Church, and Laurel Street Methodist Church, will appear in opposition to the application for saloon licenses, and it is expected that their pastors and rectors will appear in court. Mr. Hanson Cary has been retained by the protestants, and will appear Commonwealth's Attorney McIntire.



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Perfect instruments from a score of makers, offering every style of Piano made. Each with a tone so pure and mellow that it verily sings the poetry of the musician's fingers—so sweet, so sympathetic, so rich, that it appears to become a part of you and your surroundings. No detail is slighted in the making—from the selecting of the material to thoroughly testing the finished instrument—the best care is exercised.

The oldest music house in Virginia sells nothing but the best instruments. Therefore we keep the confidence of the people who appreciate our fair methods. Said one customer last week: "Some years ago I purchased a Piano from you, and I found it more than satisfactory—found everything about it to be just as you told me it was." With in the same half hour we sold him a magnificent grand Piano, and he never so much as looked at it closely.

We resort to no fake advertising schemes to deceive the public for our gain or that of our employees.

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Victor Talking Machines, \$10 up

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On the road, or meet with accident of any kind to your vehicle, is the way any one will direct you when you ask. Every one knows the superior excellence of our work in all kinds of carriage repairing and blacksmithing, and we will do your work with neatness, reliability and promptness and to your entire satisfaction.

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Intemperance—caused by excessive use of Liquor, Drugs, or Tobacco—is recognized as a disease of the nervous system. The Keeley System of Treatment Cures the disease by eliminating all physical craving for drink, drugs or tobacco, builds up the nervous system, and restores the nerve cells to normal, healthy condition. The Keeley Institute of Richmond cures and gives homelike, confidential treatment, administered by skilled physicians.

The Keeley Institute, 908-10 East Marshall St. P. O. Box 786. OTIS H. RUSSELL, Manager.

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